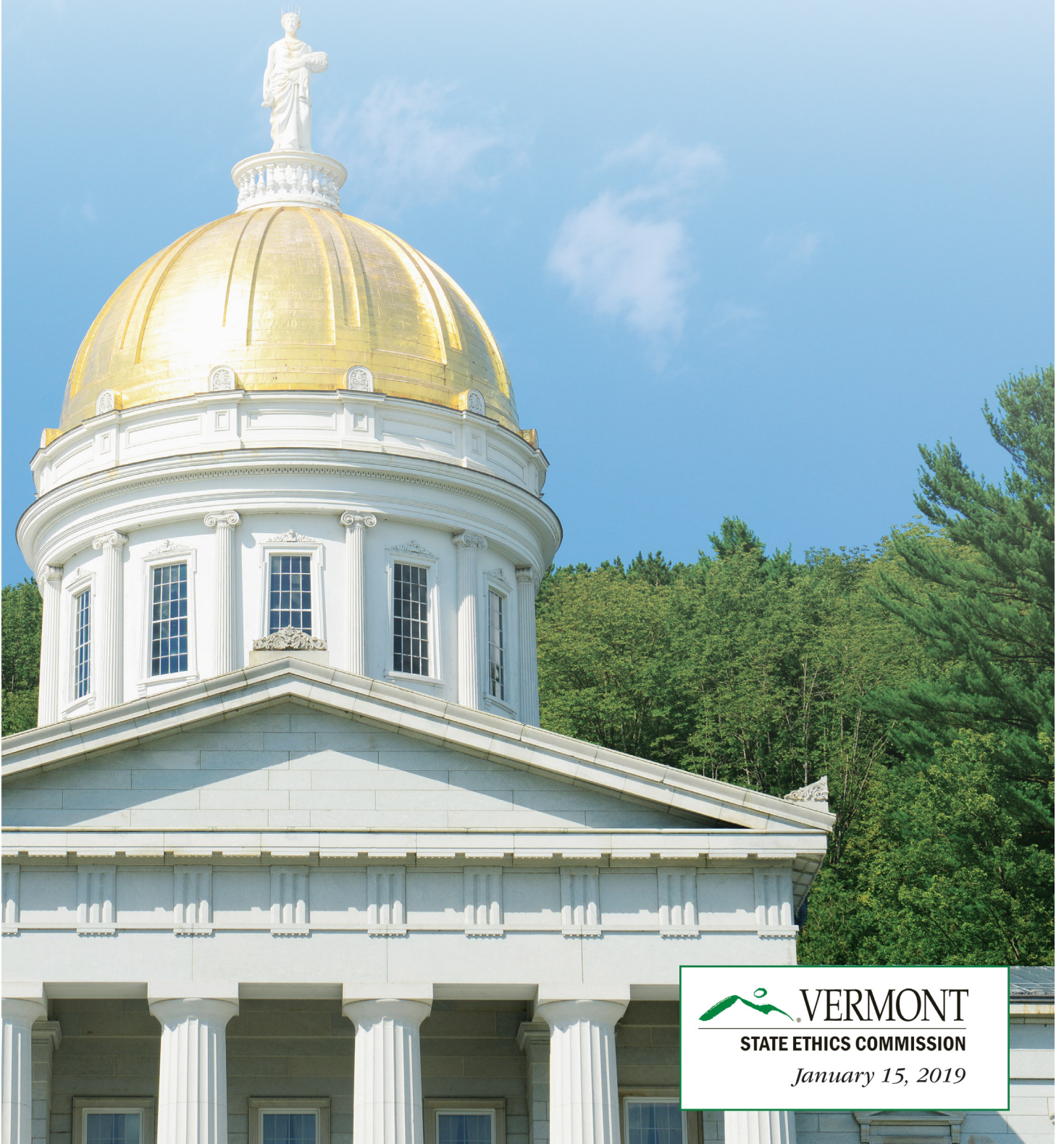


# Vermont State Ethics Commission

## 2018 Annual Report



 **VERMONT**  
STATE ETHICS COMMISSION  
*January 15, 2019*

## MISSION STATEMENT

The mission of the State Ethics Commission is to promote and practice the highest level of ethical standards and accountability in state government. The Commission provides governmental ethics training to all public officials, accepts complaints of governmental misconduct, provides information to the public, and issues ethical guidance and advisory opinions by interpreting and applying state law, governmental codes of conduct, and the General Principles set forth in Section 1 of the State Code of Ethics

This annual report summarizes the activities of the State Ethics Commission for 2018. The annual report describes the projects, tasks and activities relating to the State code of ethics, ethics education, and ethics complaints, guidance and ethics advisory opinions, and provides recommendations for legislative amendments to Act 79.

Vermont State Ethics Commission  
PO Box 1359  
Montpelier, Vermont 05601

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## ETHICS COMMISSION MEMBERS AND EXECUTIVE DIRECTOR

**Madeline M. Motta**, Chair, appointed January 2018 by the League of Women Voters of Vermont (2 year term). Madeline M. Motta is a corporate and government ethics compliance consultant, lawyer and academic with a doctorate in law and expertise in fiduciary obligation law. In October 2017, she was elected as Chair of the newly formed Vermont State Ethics Commission. Dr. Motta graduated from McGill University Faculty of Law with a Doctor of Civil Law degree with a focus in fiduciary law, ethics and bio-medical regulatory law. She holds a JD from the University of Massachusetts Law School with extensive experience in anti-trust and fraud. She also holds a Masters in Social Work from McGill University with a specialization in public policy, public administration and community organization.

She has provided ethics compliance services for several Canadian Federal Agencies, Canadian Universities, and worked in Massachusetts State Government as a lawyer. Earlier in her career she worked as a policy analyst and health planner in Vermont State Government.

Dr. Motta has published on ethics compliance and fiduciary relationships in numerous journals and has served on several University Ethics Boards as an adviser on ethics monitoring programs designed to meet US and International human protection regulations. She is a media spokesperson on responsible corporate governance, international bioethics issues and public health ethics. Dr. Motta is a member of the Council on Governmental Ethics Laws, Society of Corporate Compliance and Ethics, Ethics & Compliance Initiative, Bentley College, Society of Quality Assurance (SQA), the Association of Certified Fraud Examiners (ACFE), the Canadian Association of Research Ethics Board (CAREB), and the Canadian Association of University Research Administrators (CAURA).

**Christopher L. Davis**, appointed January 2018 by the Board of Managers of the Vermont Bar Association (3 year term). Chris practices family and criminal law, and civil litigation. He also handles real estate transactions, as well as commercial foreclosures and litigation for various



lending institutions. He frequently serves as a mediator and evaluator for both the state and federal courts.

Chris is the former chair of the Vermont Judicial Conduct Board, and served on the board for nine years. He was an adjunct professor of Business Law at the University of Vermont for over thirty years and most recently taught Ethics in UVM's MBA Program. He is a past member and vice-chair of the Vermont Professional Conduct Board, past chair of the Supreme Court Committee on the Adoption of the Model Rules of Professional Responsibility, and a current member of the Supreme Court's Committee on Revision of Vermont's Code of Judicial Conduct. Chris is a frequent lecturer on family law and legal ethics. Chris is named by New England Super Lawyers as one of Vermont's top divorce lawyers. He is also recognized as a leading family law attorney by bestofus.com and the Best Lawyers in America®, and was named Vermont's "Family Lawyer of the Year" for 2011 and 2017.

Chris presently sits on the Board of Cathedral Square Corporation, a non-profit that develops and operates communities for seniors and individuals with special needs. He previously served on the Board of Directors for the Vermont Youth Rugby Association and the Tree Farm Management Group (a local sports complex) and is a former member of the Vestry of the Cathedral Church of St. Paul's in Burlington and a current member of its Trustees.

Chris has been a nationally ranked rugby referee, and is currently a World Rugby (formerly, the International Rugby Board) trainer and a member of the U.S.A. Rugby Referee Training Committee. He is also on the Board of the New England Rugby Referee Society. He continues to travel throughout the United States and Canada to referee matches and to train and coach fellow referees. He co-founded the Burlington Rugby Football Club. When the rugby fields are covered with snow, Chris is on his skis in the mountains. Chris lives with his wife, Theri, in South Burlington. Their adult sons live in Boston and Burlington.

Education: Albany Law School (J.D., cum laude, 1975) (Chief Notes Editor); Middlebury College (B.A., cum laude, 1972) Bar Admissions: Admitted to state and federal courts in Vermont  
Memberships: Vermont and American Bar Associations; Vermont Association for Justice;  
Vermont Association for Criminal Defense Lawyers

**Julie Hulburd** appointed January 2018 by the Board of Directors of the Vermont Human Resource Association (2 year term). Julie Hulburd is a human resources professional with nearly 20 years of experience. Ms. Hulburd holds the Professional in Human Resources Certification from the Human Resources Certification Institute, and is a Certified Professional with the Society for Human Resources Management. Ms. Hulburd also holds a Bachelor's Degree from Norther Vermont University – Johnson, where she studied Hotel and Restaurant Management. For the last 10 years Ms. Hulburd has applied her skills in public service - first, in the City of Burlington, and now serving as Human Resources Manager for the City of Winooski. In her spare time, Ms. Hulburd is a member of the Colchester Parks and Rec Advisory Board. She also volunteers annually with the Vermont Brain Injury Association Walk for Thought and has previously dedicated volunteer time to organizations such as the March of Dimes, God's Love We Deliver, The Names Project and the Miss Vermont Scholarship Organization. Ms. Hulburd hails from Colchester where she lives with her husband and two sons.

**Suzanne Lowensohn**, appointed January 2018 by the Board of Directors of the Vermont Society of Certified Public Accountants (1 year term). Suzanne Lowensohn is a member of the accounting faculty at the University of Vermont's Grossman School of Business. Prior to commencing this position in August 2016, she was an associate professor of accounting at Colorado State University for 14 years, where she served as a Daniels Fund Ethics Fellow. She received a Bachelor of Science in accounting and a Master of Accountancy degree from the University of South Florida and her Ph.D. from the University of Miami. She is a certified public accountant (Florida) and a Chartered Global Management Accountant. Dr. Lowensohn's primary area of research interest is governmental accounting and auditing. Before joining academia, she worked for KPMG.

**Sarah Biolsi Vangel**, appointed January 2018 by the Chief Justice of the Supreme Court (3 year term). Sarah Biolsi Vangel was admitted to the Vermont Bar in 2009, and the U.S. District Court, District of Vermont in 2011. She earned her B.A. in sociology from Wheaton College in 2002,

and her J.D. from Western New England Law School in 2009. She worked as a law clerk in the trial court, Vermont Superior Courts in Bennington County in 2010. Sarah is a member of the Windham County and Vermont Bar Associations, the Vermont Lawyer Referral Service, and the Brattleboro Chamber of Commerce. She has been practicing law in Windham County for nine years, providing an array of services to her clients, most frequently in the areas of criminal defense and real estate transactions.

**Larry S. Novins**, State Ethics Commission Executive Director Mr. Novins is a graduate of Middlebury College and the University of New Mexico School of Law. He began his legal career as an assistant Public Defender in Albuquerque, New Mexico, then returning to Vermont, Mr. Novins worked as a public defender for the next 16 years acting as public defender in Rutland and Addison counties. Later he became legal counsel at the Office of Professional Regulation (OPR), a division of the Vermont Secretary of State, a position he held for the next 14 years. At OPR, Mr. Novins represented numerous professional licensing boards, trained board members on the legal and ethical aspects of their public service, and advised board members on matters related to their official activities. His responsibilities included drafting administrative rules, conducting public hearings, and appearing before interagency and legislative committees on administrative rules. He conducted licensing and unprofessional conduct disciplinary hearings and drafted hearing decisions for the boards. Mr. Novins drafted proposed legislation for OPR and its regulated professions and testified before legislative committees considering those proposals. In 2006, the Vermont Supreme Court appointed Mr. Novins to serve on the Professional Responsibility Board, which has disciplinary authority over Vermont attorneys. He served the maximum three terms on the Board. An adjunct professor at Vermont Law School, Mr. Novins teaches evidence and trial practice

## ETHICS COMMISSION OVERVIEW

The State Ethics Commission is an independent, evolving state agency that is in the first phase of its program development. The Vermont State Ethics Commission and its duties are codified in 3 V.S.A. Chapter 31. Its FY 2019 budget appears in Appendix A.

The State Ethics Commission is a mandated body authorized to adopt, administer and apply the State Ethics Code: General Principles of Governmental Ethical Conduct. The State Ethics Code sets forth standards of conduct for all of Vermont's public officials and employees.

The State Ethics Commission educates and advises public officials and employees about the standards of conduct set forth in the State Ethics Code through ethics trainings to legislators, state officers, state employees and local governments upon request. The Commission disseminates information about its work to State and local government through brochures, posters and exhibits at statewide professional conferences. Ethics guidance opinions and advisory opinions respond to specific questions about the Code posed by public officials and employees facing potential conflicts of interest.

The State Ethics Commission facilitates transparency in government through its administration of financial disclosure statement filings. This is an ongoing process in which a database of required filers is maintained and updated by the Secretary of State. All of the Commission's educational publications and advisory opinions are available to the public as public records.

On December 8-12, 2018, three Ethics Commissioners and Executive Director Larry Novins attended the 40<sup>th</sup> Annual Council on Governmental Ethics Laws (COGEL) Conference in Philadelphia. COGEL is an international professional organization for government agencies, organizations, and individuals





with responsibilities in governmental ethics, elections, campaign finance, lobbying, and freedom of information laws. The mission of COGEL is to ensure that professionals in these fields are connected to each other and are aware of new developments by offering opportunities to connect in person and through an on-line network. The December 2018 COGEL conference offered 5 plenary sessions and 48 seminars with over 600 Ethics Commissioners and Executive Directors attending from the United States, Canada, Australia and Ireland. The Vermont State Ethics Commission has been a member of COGEL since February 2018.

**THE FUNDAMENTAL POWERS OF THE VERMONT STATE ETHICS COMMISSION ARE:**

- **ADOPT, AMEND AND APPLY THE GENERAL PRINCIPLES OF GOVERNMENTAL ETHICAL CONDUCT**
- **ADVISE PUBLIC OFFICIALS AND STATE EMPLOYEES ABOUT THE CODE OF ETHICS THROUGH THE ISSUANCE OF ETHICS GUIDANCE AND ADVISORY OPINIONS**
- **ADMINISTER CANDIDATE AND PUBLIC OFFICIAL FINANCIAL DISCLOSURE REQUIREMENTS**
- **EDUCATE PUBLIC OFFICIALS AND GOVERNMENT EMPLOYEES TO INTEGRATE ETHICAL STANDARDS AND PRACTICES IN GOVERNMENT**
- **ACCEPT, REVIEW AND TRACK COMPLAINTS ABOUT GOVERNMENTAL CONDUCT**

## PROJECTS & PROGRESS 2018

### Financial Disclosure Statements

A financial disclosure statement is a publicly available record containing financial and professional information about a public official and his or her spouse or domestic partner filed annually by public officials. In Act 79, the Vermont legislature created a requirement for periodic financial disclosure statements to be completed by legislative candidates and candidates for statewide office (codified in 17 V.S.A. § 2414) as well as executive officers and state ethics commission members (codified in 3 V.S.A. §§ 1211 and 1212).

The purpose of requiring financial disclosure statements is to ensure that those people who are acting in the public interest do not use their public positions to further their private financial interests. The financial disclosure statement endeavors to confirm that there are no conflicts between an official's personal financial interests and his or her public office.

In December 2017, the State Ethics Commissioners drafted two financial disclosure forms – one for candidates, state senators or state representatives, and another for statewide executive officers, state ethics commissioners, and the executive director of the state ethics commission. The forms were available for the January 15, 2018 filing deadline.

94% Financial Disclosure  
Form Compliance Rate

In the 2018 election season, of the 316 primary candidates, 296 completed the financial disclosure form, which translates into a 94% compliance percentage.

### General Principles of Governmental Ethical Conduct

The Vermont legislature enacted 3 V.S.A. §1202, which vested the Commission with the authority to adopt a State Code of Ethics to set forth general principles of governmental ethical conduct. The Commission's primary goal since inception has been the establishment of a robust State Code of Ethics, to address conflicts of interest that would interfere with a public official's duty to work in the best interests of Vermont residents. The State Ethics Commissioners in

concert with the executive director began by reviewing state ethics codes from other states, principally the New England states, as a model for its own code of ethics. On April 25, 2018, Commission members met with the Chairs of the House and Senate Government Operations Committees to discuss a draft code of ethics that focused on addressing public officials' general and specific conflict of interests as uniformly instituted in the majority of state ethics codes' nationwide. Due to the considerable concern expressed over the implementation of a comprehensive State Code of Ethics at this time, the Commission deemed it prudent to initially issue general principles of governmental ethical conduct. The general principles are modeled

General Principles of Governmental  
Ethical Conduct adopted June 6, 2018

after the standards of ethical conduct for US federal officers and employees.

The general principles of ethical conduct were adopted on June 6, 2018 and are presented in Appendix B of this document.

### **Governmental Ethics Training and Outreach**

Ethics training has long been recognized as a cornerstone of any governmental ethics program. Effective ethics training requires that public officials and State employees be able to apply the State ethics code, governmental conduct regulated by law and other relevant agency ethics codes to diverse and ever-changing situations that confront them in the work environment.

Pursuant to 3 V.S.A. § 1224, at least annually, in collaboration with the Department of Human Resources, the Commission shall make available to legislators, State officers, and State employees training on issues related to governmental ethics. The training shall include topics related to those covered in any guidance or advisory opinion issued under 3 V.S.A. § 1225.

In an effort to fulfill the mandate of 3 V.S.A. § 1224, the Ethics Commission reached out several times to the Vermont Legislative Council, in advance of the new Legislator orientation day in November 2018, with requests to be on the agenda to present an overview of the Ethics Commission and the General Principles of Governmental Ethical Conduct. The Ethics Commission did not receive any response to its requests. The Commissioners subsequently

learned that NCSL provided governmental ethics training at the Nov. 2018 legislator orientation day.

The governmental ethics training program offered by the Ethics Commission is designed to provide both general and customized training on specific conflicts of interest risks that a legislator, public official or State employee may encounter related to their specific occupation and workplace. The Ethics Commission has made it a priority to provide governmental ethics training to legislators in 2019-2020 and seeks the support of the leadership of both Government Operations Committees to assist the Ethics Commission in meeting its ethics training mandate.

### **The Ethics Commission provided the following ethics training in 2018:**

On June 12, 2018, Commissioners Madeline Motta and Julie Hulburd presented a governmental ethics training at the **Vermont Government Finance Officers Association** 2018 Summer



Workshop and Annual Meeting held at the Vermont Technical College in Randolph. Commissioner Suzanne Lowensohn was also in attendance.

The Commission was an exhibitor at the **Vermont League of Cities and Towns Town Fair** held in South Burlington on October 3 and 4, 2018. Commissioners Suzanne Lowensohn, Julie Hulburd, Madeline Motta and the Executive Director answered questions from VLCT members on conflicts of interest and other governmental ethics issues.

### **Ethics Commission Brochures and Posters**

The Ethics Commission produced an information brochure with a State Ethics Code insert and a series of governmental ethics posters that have been distributed at public events and in mailings. In 2019, in collaboration with the Department of Human Resources, the brochures

and posters will be distributed to every State agency division and office. See Appendix C for copy of the Ethics Commission brochure and Appendix D for the Ethics Commission poster series.

### **Website Training**

The Ethics Commission purchased an ethics training video from Advanced Concept Research addressing conflicts of interest for government employees that will be available for viewing on the Ethics Commission website.

### **DHR- CAPS Training Collaborative**

The Ethics Commission and the Vermont Department of Human Resources (DHR) are collaborating on ethics training through the Center for Achievement in Public Service (CAPS). The proposed plan is that the Ethics Commission's Executive Director will provide governmental ethics training sessions as part of the CAPS workforce development services to State agencies and departments.

### **Policies and Procedures**

In 2018, the Ethics Commission focused on drafting policies and procedures to guide the work of the Commission. The policies and procedures relate to three key operational areas namely, the procedure for handling complaints, ethics guidance and advisory opinions. Once finalized and adopted by the Commission, these policies and procedures will be available on the Ethics Commission website.



## COMPLAINTS, GUIDANCE AND ADVISORY OPINIONS DATA 2018

### Complaints

The Vermont State Ethics Commission is responsible for accepting, reviewing, and tracking complaints about governmental conduct. If a complaint alleges a violation of governmental conduct regulated by law, of the Department of Human Resources Ethics Code, or the State Campaign Finance law set forth in 17 V.S.A. Chapter 61, the Commission will refer the complaint to the appropriate state agency. Although complaints are confidential, the complaint must be in writing and include the identity of the person filing the complaint. Complaint forms are available on the State Ethics Commission website and may be filed by email or postal mail.

At present, the Ethics Commission's legal authority is limited to preliminary review of a complaint. The preliminary review is an informal, fact-gathering process in which complaints may be resolved confidentially at the conclusion of the preliminary review with a confidential letter sent to the complainant or the complaint is referred to the appropriate state agency for determination, investigation or resolution and a timely response to the complainant.

The ethics commission's lack of authority to investigate complaints has shown to have substantial impact on the resources of other agencies to which complaints are referred for investigation and response. Amending 3 V.S.A. § 1221 and 1223 to authorize the Commission itself to investigate complaints of alleged violations of governmental conduct regulated by law or the Vermont State Code of Ethics is strongly recommended. With the addition of this investigative authority, the creation of a full time examiner/investigator position and the appropriate sufficient funds to support investigative function are necessary.

### Summary of Complaint Data

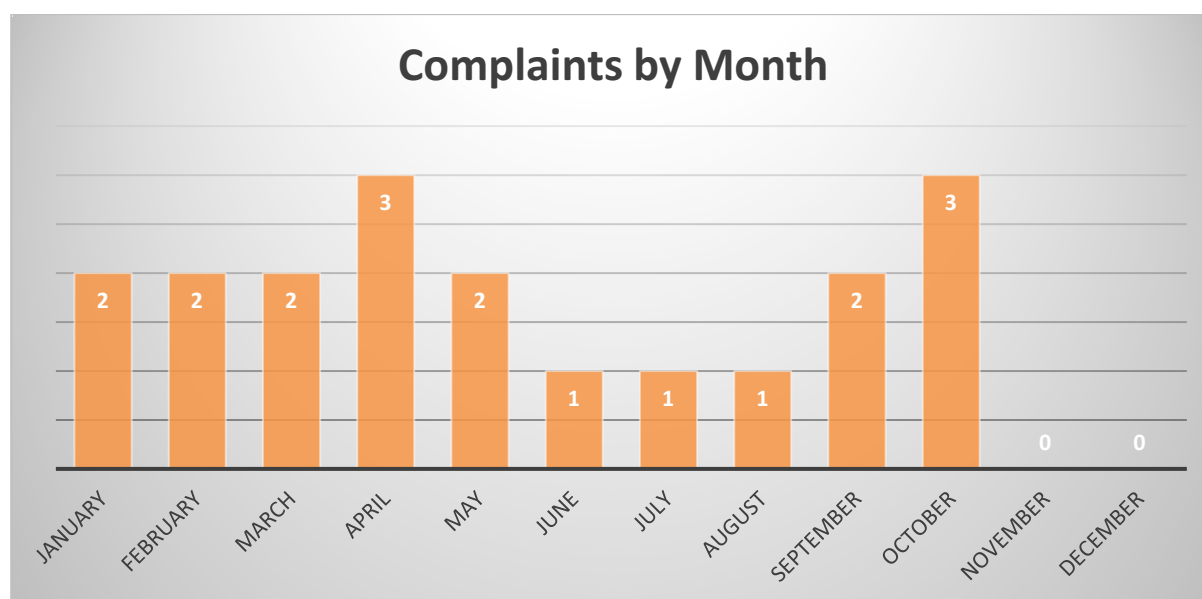
In 2018, the Commission received thirty-six (36) ethics complaints that involved statewide public officials, legislators, municipal employees, and State employees. The subject matter of the complaints included conflicts

36 Complaint Submissions

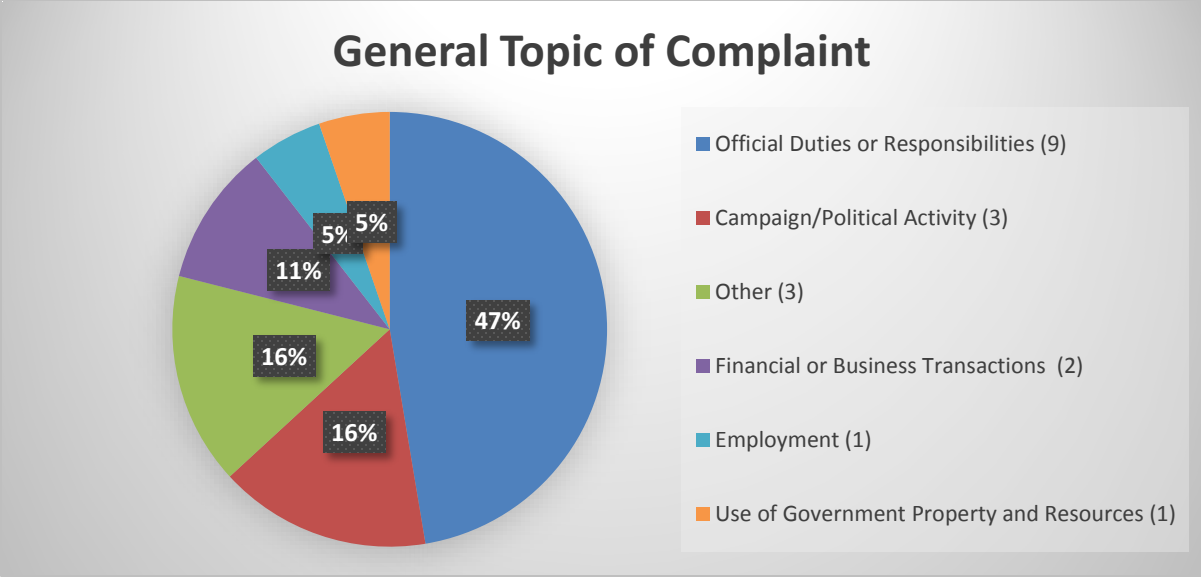
19 Unique Ethics Concerns

of interest in the following range of areas: Official Duties or Responsibilities, Campaign/Political Activity, Financial or Business Transactions, Employment, and the Use of Government Property and Resources.

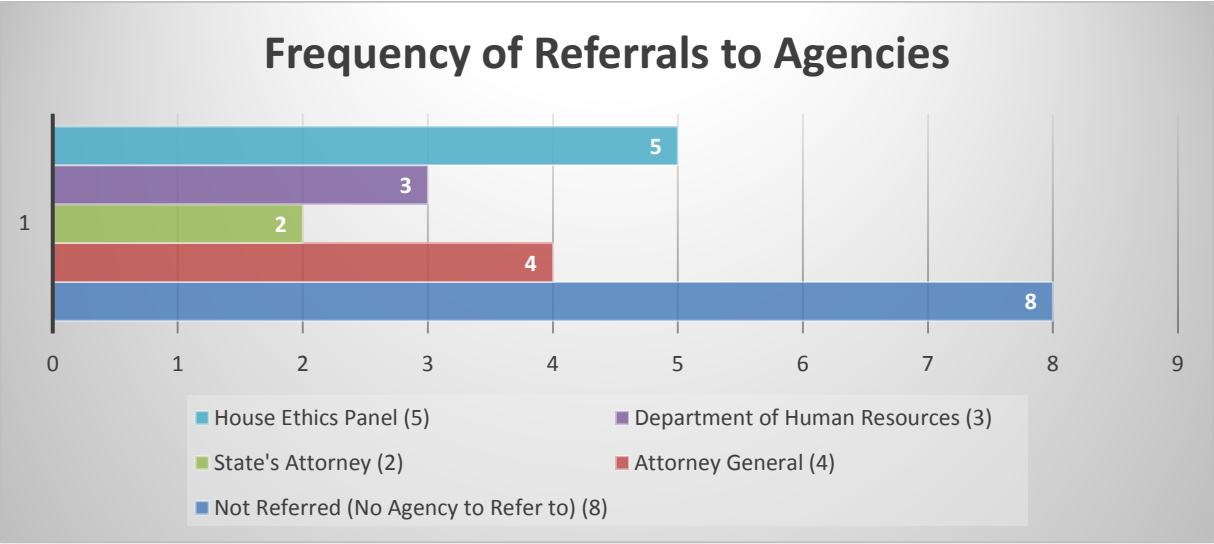
Complaints were received throughout the year, with the highest number arriving to the Commission in April and October 2018. The complaints were referred to the House Ethics Panel, the Attorney General, the Department of Human Resources, and the State's Attorney.



Of the 36 complaints, there were a total of nineteen (19) unique issue complaints. Eighteen (18) individual submitted complaints were related to one particular issue. The analysis of complaints submitted in 2018 considers the nineteen (19) unique issues. The greatest topic of concern related to official duties or reasonability.



The Commission conducts a preliminary review of complaints received. This preliminary review includes a determination regarding which agency, if any, the complaint should be referred to. It is important to note, when considering the nineteen (19) unique complaints, the majority were related to a subject matter for which there was no State Agency appropriate for complaint referral. (Three complaints were referred to two agencies.)



At year-end, of the nineteen (19) unique issue complaints the Commission received, eleven were referred to other agencies for review and investigation, and eight were not referred and were closed by the Commission. Of the complaints that were referred, two complaints are pending, and nine complaints were denied. A summary chart of complaint data can be found in Appendix F.

62 Contacts from public officials and State requesting ethics guidance employees

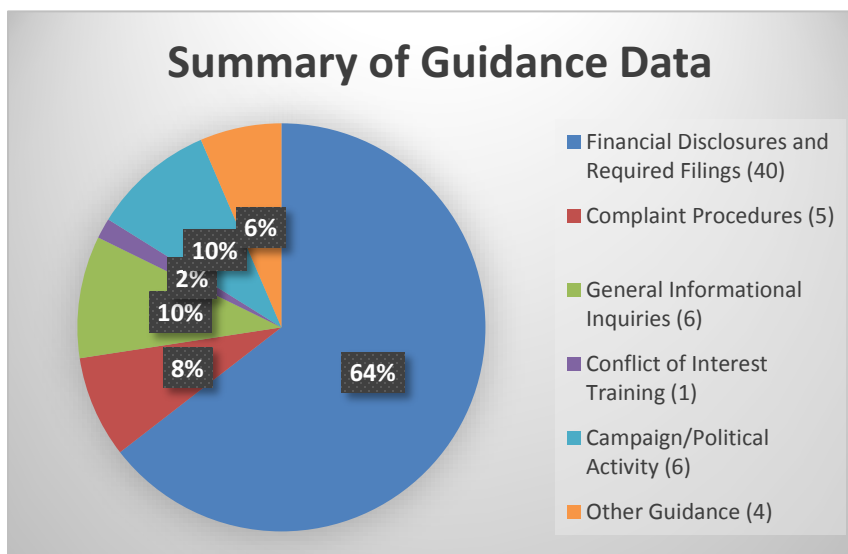
### Ethics Guidance

Pursuant to 3 V.S.A. §1225 (a) the Executive Director of the Ethics Commission may issue guidance on any issue related to governmental ethics to a

statewide officer or state employee upon request. The Executive Director may consult with Ethics Commission members and the Department of Human Resources in preparing the guidance. Guidance is exempt from public inspection and copying under the Public Records Act and is confidential unless the recipient chooses to publically disclose it.

### Summary of Ethics Guidance Data

In the first 12 months, the Executive Director received 62 contacts from public officials and State employees requesting ethics guidance. 40 of the 62 requests for guidance (64.5%) were related to the financial disclosure forms or process; 7 of the 40 (17.5%) had specific questions related to the tax return portion of the filing. 6 requests (9.7%) addressed campaign financing/political activity; while 6 requests (9.7%) sought general informational guidance (e.g., the role of the



SEC, SEC proceedings). 5 others (8.1%) were related to complaint procedures. Finally, 4 (6.5%) sought other ethical guidance.

### **Advisory Opinions**

Ethics advisory opinions provide practical advice and explanation of how the State Ethics Code and conflict laws and principles apply to public employees on topics such as avoiding conflicts of interest while seeking a new job and after leaving public employment; public employee political activity; gifts and gratuities; public officials and state employees' private business relationships and other private dealings with those over whom they have official authority or with whom they have official dealings.

Pursuant to 3 V.S.A. §1225(b), the Executive Director may issue advisory opinions that provide general advice or interpretation regarding standards of governmental ethical conduct or any issue related to governmental ethics. Ethics advisory opinions may be initiated by a request or be issued by the Executive Director on an ethics issue that may have been the subject of recurring ethics guidance requests. The Executive Director may consult with members of the Ethics Commission and the Department of Human Resources in preparing these advisory opinions that will be posted on the Ethics Commission website.

In 2018, State Ethics Commission received one request for an ethics advisory opinion from an entity outside of State government that requested an interpretation and application of the State Ethics Code. Ethics advisory opinions are available on the State Ethics Commission website.

Upon survey of other State Ethics Commissions, a request for a formal ethics advisory opinion that is published is limited to requests from public officials or State employees who are or may be subject to the provisions their State Codes of Ethics.

The Ethics Commission is seeking to Amend 3 V.S.A. § 1225(b)(1) to limit requests for advisory opinions to only public officials or State employees who are or may be subject to the provisions of the Vermont State Codes of Ethics: General Principles of Governmental Ethical Conduct.



## RECOMMENDATIONS AND GOALS FOR 2019

- Amend 3 V.S.A. § 1221, 1223 to authorize the Commission to investigate complaints filed with the Commission of alleged violations of governmental conduct regulated by law and the Vermont State Codes of Ethics: General Principles of Governmental Ethical Conduct.
- Create a one full-time examiner/investigator position for the State Ethics Commission and appropriate sufficient funds; or alternatively appropriate sufficient funds for the Commission to contract with an independent investigator. See Appendix E for Ethics Examiner Job Description
- Create a part-time (16 hrs. per week) administrator position for the State Ethics Commission with the appropriate sufficient funds. The administrator will be responsible for assisting in website development, program outreach efforts, ethics training assistance, handling procurement issues and assist in staffing the ethics office. Since its start, the Ethics Commission Chair has been acting as the program administrator in addition to her Chair supervisory responsibilities.
- Amend 3 V.S.A. § 1225(b)(1) Advisory Opinions so that a written request for a formal ethics advisory opinion be made by Executive officers, legislators or other State employees who are or may be subject to the provisions of the Vermont State Codes of Ethics. Furthermore, requests for a formal ethics advisory opinion must concern an issue that is prospective or ongoing.
- Amend 1 V.S.A. § 1221(b)(1)(E) so that the appointing authority is the Society for Human Resource Management Vermont State Council. This recommendation comes at the request of the Vermont Human Resources Association and the Society for Human Resources Management - Vermont State Council. The Vermont State Council works closely with all three of Vermont's local Human Resources Association Chapters, which include the Vermont Human Resources Association, the Green Mountain Human Resources Association and the River Valley Human Resources Association.

## APPENDIX A

### FY2019 State Ethics Commission Budget

FY2019 State Ethics Commission Budget	
	<b>FY2019 Department Total Request</b>
500010 - Exempt	42,840
501010 - FICA - Exempt	3,277
501510 - Health Ins - Exempt	27,747
502010 - Retirement - Exempt	7,484
502510 - Dental - Exempt	812
503010 - Life Ins - Exempt	181
503510 - LTD - Exempt	99
504010 - EAP - Exempt	30
505200 - Workers Comp - Ins Premium	32
506000 - Per Diem	10,800
506200 - Other Pers Serv	13,560
515010 - Fee-For-Space Charge	5,000
516000 - Insurance Other Than Empl Bene	27
516010 - Insurance - General Liability	45
516671 - It Intsvccost-Vision/Isdassess	1,037
516685 - ADS Allocation Exp.	1,111
518299 - Travel In-State Non-Employee	2,000
519005 - Agency Fee	230
519006 - Human Resources Services	531
520000 - Office Supplies	500
522216 - Hardware - Desktop & Laptop Pc	2,000
522700 - Furniture & Fixtures	1,500
TOT_EXP - Total Expense	120,843
FTE - Full Time Eq	0.5
POS - Positions	1

## APPENDIX B

### Vermont State Ethics Commission

#### State Code of Ethics: General Principles of Governmental Ethical Conduct

##### **Mission Statement**

The mission of the State Ethics Commission is to promote and practice the highest level of ethical standards and accountability in state government. The Commission provides governmental ethics training to all public officials, accepts complaints of governmental misconduct, provides information to the public, and issues ethical guidance and advisory opinions by interpreting and applying state law, governmental codes of conduct, and the General Principles set forth in Section 1 of the State Code of Ethics.

##### **General Principles**

Public service is a public trust, requiring public officials to uphold the Vermont Constitution, the law, the state codes of ethics, and principles of ethical conduct above personal and financial interest. The following general principles of governmental ethical conduct apply to every public official.

(1) A public official shall not have a conflict of interest or engage in any business, employment, transaction or professional activity, or incur any obligation that is in conflict with the performance of their duty as a public official.

(2) A public official shall not engage in financial transactions using nonpublic government information or disclose any confidential information learned during the course of state employment for their or anyone's personal or financial gain.

**(3)** A public official shall not solicit or accept any gift or other item of monetary value, other than a campaign contribution, from any person or entity seeking official action from, doing business with, or conducting activities regulated by the public official's agency, or whose interests may be substantially affected by the performance or nonperformance of the public official's duties, other than those permitted by law.

**(4)** A public official shall not make unauthorized commitments of any kind that obligate State government in any manner.

**(5)** A public official shall not use their public office for personal or financial gain.

**(6)** A public official shall not give preferential treatment to any private organization or individual in the course of state business.

**(7)** A public official shall avoid any actions that create a potential or actual conflict of interest with their official duties or that they are violating the law, these General Principles of Governmental Ethical Conduct, or other governmental codes of conduct. A public official should avoid the appearance of a potential or actual conflict of interest.

**(8)** A public official shall protect and conserve government property and resources, and use official time and government property only for official business.

**(9)** A public official shall not solicit or negotiate in any manner employment that creates a conflict of interest with their official government duties and responsibilities while still in State service.

**(10)** A public official shall be free to disclose to the State Ethics Commission and other governmental authorities, in good faith and with candor, waste, fraud and abuse of authority, violations of law, or a threat to the health of employees, the public, or persons under the care of the State without fear of reprisal, intimidation, or retaliation.

(11) A public official shall comply in good faith with his or her duties as a citizen, including all financial obligations, such as complying with Federal, State or local taxes that are imposed by law.

(12) A public official shall adhere to all laws and regulations that mandate equal opportunity for all citizens regardless of race, color, national origin, ancestry, gender, sex, gender identity, sexual orientation, pregnancy, age, disability, military or veteran status, HIV status, place of birth, religion, or any other class of individuals protected by law.

(13) A conflict of interest of any public official shall be imputed to any public official, who serves at the direction and control of that first public official, and who has actual knowledge of the conflict.

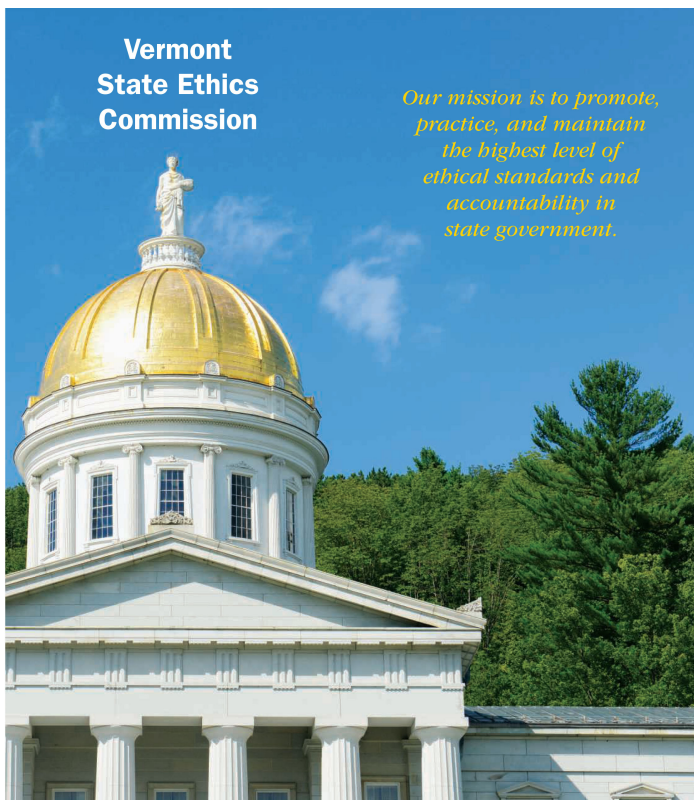
Please visit the commission's website for more information and a complete set of principles and definitions at **[ethicscommission.vermont.gov](http://ethicscommission.vermont.gov)**.



## APPENDIX C

### Vermont State Ethics Commission

*Our mission is to promote, practice, and maintain the highest level of ethical standards and accountability in state government.*



### About the Vermont State Ethics Commission

In 2014, the first bill was introduced to consider a state ethics commission in Vermont. After three years of debate, the **Vermont State Ethics Commission** was created by No. 79 of the Acts of the 2017 General Assembly.

**The Vermont State Ethics Commission oversees the Government Ethics Program, designed to prevent misconduct and conflicts of interest by elected officials and ensure that the public's business is conducted impartially.**

**Ethics officials are available to answer your questions, provide government ethics guidance, and receive complaints.**

The commission and its duties are codified in 3 V.S.A. Chapter 31. The Vermont State Ethics Commission is an independent, evolving state agency that is in the first phase of its program development.

#### Vermont State Ethics Commission

PO Box 1359  
Montpelier, VT 05601  
(802) 828-7187

**email:** [stateethicscommission@vermont.gov](mailto:stateethicscommission@vermont.gov)  
**website:** [ethicscommission.vermont.gov](http://ethicscommission.vermont.gov)



#### The Vermont State Ethics Commission is composed of the following members:

**Madeline Motta**, Chair of the Vermont State Ethics Commission, appointed by the League of Women Voters

**Christopher L. Davis**, appointed by the Board of Managers of the Vermont Bar Association

**Julie Hulburd**, appointed by the Board of Directors of the Vermont Human Resource Association

**Suzanne Lowensohn**, appointed by the Board of Directors of the Vermont Society of Certified Public Accountants

**Sarah Biolsi Vangel**, appointed by the Chief Justice of the Supreme Court

**Larry Novins**, Executive Director

The Vermont State Ethics Commission has adopted the *State Code of Ethics: General Principles of Governmental Ethical Conduct*. Please visit the commission's website for a copy: [ethicscommission.vermont.gov](http://ethicscommission.vermont.gov).



#### Guidance

The Executive Director may issue guidance on questions of governmental ethics to a statewide officer or state employee upon request. Guidance shall be confidential unless the recipient chooses to disclose it.

#### Advisory Opinions

The Executive Director may issue advisory opinions that provide general advice regarding governmental ethics upon request or the commission's own initiative. Advisory opinions are not confidential and will be posted on the commission's website.

#### Trainings

The Vermont State Ethics Commission provides governmental ethics trainings annually to legislators, state officers, state employees, and local governments upon request.

#### Complaints

The Vermont State Ethics Commission is responsible for accepting, reviewing, and tracking complaints about governmental conduct. If a complaint alleges a violation of governmental conduct regulated by law, or the Department of Human Resource's ethics policies, or the State Campaign Finance Law set forth in 17 V.S.A. Chapter 61, the Ethics Commission will refer the complaint to the appropriate state agency. Complaints must be in writing and must include the identity of the person filing the complaint.

Complaints may be filed with the Ethics Commission by email to [stateethicscommission@vermont.gov](mailto:stateethicscommission@vermont.gov) or by mail to

**Vermont State Ethics Commission**  
PO Box 1359  
Montpelier, VT 05601

The *Complaint Form* is available on the commission's website: [ethicscommission.vermont.gov](http://ethicscommission.vermont.gov).



**How can the commission help you? Below are some examples of what the Vermont State Ethics Commission can address.**

#### Seeking Employment

Are you applying for your dream job? Could that company be directly affected by your government work? As a public servant, you have been placed in a position of trust and are held to a high standard of ethical conduct. Accepting certain positions may be in conflict with your role in government.



#### Public Service

Public service is a public trust. Every resident deserves to have complete confidence in the integrity of their state government. As a public servant, you should adhere to governmental codes of conduct and avoid conflicts of interest.



#### Gift Acceptance

Has someone offered you a gift? Have you ever wondered if accepting that gift was the right thing to do? As a public servant, you have been placed in a position of trust and are held to a high standard of ethical conduct. Accepting certain gifts could unintentionally create a conflict of interest.



**If you have questions or an issue that we can help you address, or if you simply want more information, please get in touch.**

**Email:** [stateethicscommission@vermont.gov](mailto:stateethicscommission@vermont.gov)  
**Visit:** [ethicscommission.vermont.gov](http://ethicscommission.vermont.gov)  
**Call:** (802) 828-7187

## APPENDIX D

### Looking for a new job?



#### ETHICS: Seeking Employment

Applying for your dream job? Could that company be directly affected by your government work? As a public servant you have been placed in a position of trust and are held to a high standard of ethical conduct. Accepting certain positions may be in conflict with your role in government.

*For more information regarding accepting employment, please contact the Vermont State Ethics Commission.*

##### FOR MORE INFORMATION

VISIT: [StateEthicsCommission@Vermont.gov](mailto:StateEthicsCommission@Vermont.gov)  
EMAIL: [EthicsCommission.Vermont.gov](mailto:EthicsCommission.Vermont.gov)  
CALL: (802) 828-7187



### Public Service.



#### ETHICS: Public Service

Public Service is a public trust. Every resident deserves to have complete confidence in the integrity of their state government. As public servants you should adhere to governmental codes of conduct and avoid conflicts of interest.

*For more information on governmental conflicts of interest, please contact the Vermont State Ethics Commission.*

##### FOR MORE INFORMATION

VISIT: [StateEthicsCommission@Vermont.gov](mailto:StateEthicsCommission@Vermont.gov)  
EMAIL: [EthicsCommission.Vermont.gov](mailto:EthicsCommission.Vermont.gov)  
CALL: (802) 828-7187



### Happy Birthday and Retirement and Congratulations on the Wedding and...



#### ETHICS: Gift Acceptance

Has someone offered you a gift? Ever wondered if accepting that gift was the right thing to do? As a public servant you have been placed in a position of trust and are held to a high standard of ethical conduct. Accepting certain gifts could unintentionally create a conflict of interest.

*For more information regarding accepting gifts, please contact the Vermont State Ethics Commission.*

##### FOR MORE INFORMATION

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EMAIL: [EthicsCommission.Vermont.gov](mailto:EthicsCommission.Vermont.gov)  
CALL: (802) 828-7187



## APPENDIX E

### **Ethics Commission Examiner Position**

**Pay Grade 24**

#### **Essential Duties:**

Examines witnesses and evidence of allegations of governmental misconduct regulated by law and violation of the state ethics code and the State's campaign finance laws; conducts a preliminary investigation as to whether reasonable cause exists that a violation occurred in a given case and presents that determination to the Ethics Commission for review and action. Additional duties include conducting legal research and preparing detailed findings of fact and conclusions of law in support of adjudicatory hearing. Work is performed with significant independence under the direction of the Executive Director.

#### **Examples of Work:**

Plans, organizes and executes a comprehensive examination of allegations of governmental misconduct through conducting legal research, taking sworn testimony, and conducting extensive and complex document review. Prepares detailed findings of fact, conclusions of law and makes a recommendation whether there is or is not reasonable cause to believe that governmental conduct regulated by law and the State Ethics Code has been violated. Legal research includes examining relevant state and federal statutes, regulations and case law. Recommends changes in policies and procedures and/or necessary training for responding parties. Engages in conciliation efforts with represented and unrepresented parties, drafts legally enforceable settlement agreements and monitors compliance with conciliated agreements.

#### **Minimum Qualifications: Knowledge, Skills and Abilities**

Comprehensive knowledge of applicable state statutes, regulations, governmental ethics codes and relevant case law

Knowledge of and skill in interviewing techniques, taking sworn testimony, and conducting extensive and complex document review

Knowledge of the principles and practices of negotiations and mediation

Proven ability to draft conciliation agreements

Proven ability to prepare detailed reports that includes factual and legal analysis

Proven ability to communicate effectively both orally and in writing

Proven ability to read and interpret regulations and policies of considerable complexity

**Education and Experience:**

Three years work experience post Law degree, member of Vermont Bar, and 1-2 years of ethics and/or legal investigative and enforcement experience

## APPENDIX F

### SUMMARY OF 2018 COMPLAINTS FILED WITH VT SEC

<b>Summary of Complaint Data</b>	
<b>Total Number of Complaints/Unique Complaints</b>	36/19
(18 individuals filed a complaint regarding the same legislative issue)	
<b>Number of Complaints Related to:</b>	
Government Conduct Regulated by Law	3
Human Resources Code of Ethics	3
Campaign Finance	0
Legislative and Judicial Branch or Attorneys	5
Other Complaints	8
	*Other Complaints include private entities and municipalities
<b>Number of complaints arising from a conflict of interest related to:</b>	
Financial or Business Transactions	2
Campaign/Political Activity	3
Employment	1
Gifts	0
Official Duties or Responsibilities	9
Use of Government Property and Resources	1
Other	3
<b>Number of Complaints referred to:</b>	
Not Referred (No Agency to Refer to)	8
Attorney General	4
State's Attorney	2
Department of Human Resources	3
Senate Ethics Panel	0
House Ethics Panel	5
Judicial Conduct Board	0
Professional Responsibility Board	0
	*3 Complaints referred to two agencies